

REMARKS

The Examiner required the Applicants to elect between thirty three groups of claims. The Applicants provisionally elect to prosecute the claims 3, 4, and 7, as directed to SEQ ID NO: 8 (these claims belong to one of groups XI to XVI; the Examiner did not expressly delineate these groups further).

The Applicants respectfully request, however, that the Examiner further examine claims 5 and 6, as directed to SEQ ID NO: 24, and claims 55, 57, and 58, as directed to SEQ ID NO: 7. The Applicants respectfully submit that any requirement restricting prosecution to less than these claims is improper.

A restriction is proper only when inventions are i) independent or distinct; and ii) examining them together places a serious burden on the Examiner. MPEP 803. If search and examination can be made without serious burden, restriction is not proper, even if an application recites claims to independent and distinct inventions. *Id.*

Examining the claims the Applicants propose here would place no burden on the Examiner. Claims 3, 4, and 7 are directed to an FP receptor variant; claims 5 and 6 are directed to an antibody that binds this variant; and claims 55, 57, and 58 are directed to a nucleic acid that encodes the variant. All of these claims are related. Examining them would require a search of the art that encompasses only two classes – by the Examiner's own designation, these are classes 530 and 536 – and only three sequences (SEQ ID NOS: 7, 8, and 24). The number of sequences here is far fewer than that the Office has already determined places no burden on the Examiner:

It has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.

MPEP 803.04. There is an exception where “the complex nature of the claimed material, for example a protein amino acid sequence reciting three dimensional folds,” *id.*, justifies examining less than ten sequences, but the complexity the MPEP

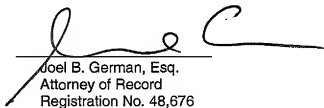
speaks of is not present here; in any event, the sequences the Applicants request the Examiner examine are already fewer than ten, numbering a modest three.

For the foregoing reasons, the Applicants respectfully submit that it poses no burden for the Examiner to examine claims 3, 4, and 7, as directed to SEQ ID NO: 8, claims 5 and 6, as directed to SEQ ID NO: 24, and claims 55, 57, and 58, as directed to SEQ ID NO: 7, and respectfully request that the Examiner examine these claims on the merits.

The undersigned authorizes the Director to charge any fees required or necessary for the filing, processing or entering of this paper or any of the papers transmitted with it, and to refund any overpayment, to deposit account 01-0885.

Respectfully submitted,

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